



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

October 13, 2005

John Schone
American School for the Deaf
139 North Main Street
West Hartford, CT 06107

2005 OCT 17 AM 11:37
AMERICAN SCHOOL
FOR THE DEAF
BUSINESS OFFICE

RECEIVED

Re: Applicant Name: AMERICAN SCHOOL FOR THE DEAF
Billed Entity Number: 5340
Form 471 Application Number: 473646
Funding Request Number(s): 1319406, 1320506, 1320662, 1320681, 1320730,
1320846, 1320872, 1342837
Your Correspondence Received: April 29, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Form 471 Certification Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1319406, 1320506, 1320662, 1320681, 1320730,
1320846, 1320872, 1342837

Decision on Appeal: **Denied**

Explanation:

- On appeal, you seek reversal of the SLD's decision that the certification for your Funding Year 2005 Form 471 application was postmarked outside the filing window. In support of your request, you state that you completed the Form 471 application, but misunderstood that the "hard-copy" documentation and its Certification needed to be submitted by the deadline of February 18, 2005. You state that since you submitted the Form 471 application electronically, you assumed that the "hard-copy" documentation could be sent on a later date.
- Upon thorough review of the appeal and supporting documentation, it was determined that the Form 471 application was completed online on February 18,

July
late
June

2005, but the Certification was postmarked on February 23, 2005, which is outside the filing window. You did not offer any other evidence that the Form 471 Certification was postmarked within the filing window. There is no indication that the SLD had erred in its decision to treat the certification as out of window. Program rules require that the Form 471 be completed and certified no later than 11:59 p.m. EST on February 18, 2005 in order to be considered as received within the Funding Year 2005 window. It is the responsibility of the applicant to ensure that all forms are correct, complete and submitted to SLD within the program application filing window.

- SLD denied your funding requests because it determined that your Form 471 Certification was not postmarked on or before the close of the filing window on February 18, 2005. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to demonstrate that the Form 471 Certification was postmarked on or before February 18, 2005. Consequently, your appeal is denied.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶¶ 2 and 4. (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Dec 12/24

We thank you for your continued support, patience and cooperation during the appeal process.

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Billed Entity Number: 5340
 Form 471 Application Number: 473646
 Form 486 Application Number: